

**GLENDALE CITY COUNCIL MEETING**  
**Council Chambers**  
**5850 West Glendale Avenue**  
**January 10, 2006**  
**7:00 p.m.**

**CALL TO ORDER – PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE [MINUTES OF DECEMBER 27, 2005](#)**

**PROCLAMATIONS AND AWARDS**

[DR. MARTIN LUTHER KING, JR. UNITY DAY](#)

[BOARDS AND COMMISSIONS](#)

**CONSENT AGENDA**

Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion. If you would like to comment on an item on the consent agenda, please come to the podium and state your name, address and item you wish to discuss.

1. [LIQUOR LICENSE NO. 3-1025 – SPENCER’S](#)
2. [LIQUOR LICENSE NO. 3-1028 – SPENCER’S](#)
3. [LIQUOR LICENSE NO. 3-1026 – SOMER MARKET](#)
4. [LIQUOR LICENSE NO. 3-1027 – NAKED TRUTH BAR & GRILL](#)
5. [SPECIAL EVENT LIQUOR LICENSE FOR SAINT JOHN OF THE DESERT](#)
6. [PROFESSIONAL SERVICES AGREEMENT – 71<sup>ST</sup> AND ORANGEWOOD AVENUES PARKS IMPROVEMENTS](#)
7. [AWARD OF CONTRACT – ORANGE GROVE ESTATES AND SKYVIEW WEST I NEIGHBORHOOD WALL IMPROVEMENTS](#)
8. [AWARD OF PROPOSAL 05-41, PROPERTY INSURANCE AND BROKER SERVICES](#)
9. [AWARD OF PROPOSAL 05-28, PLAN REVIEW SERVICES](#)

## **CONSENT RESOLUTIONS**

10. [FISCAL YEAR 2005 HISTORIC PRESERVATION HERITAGE GRANT APPLICATION](#)
11. [ACQUISITION OF RIGHT-OF-WAY FOR INTERSECTION IMPROVEMENTS](#)
12. [SETTLEMENT WITH TRUSTEES AND AFFILIATES IN THE NATIONAL CENTURY FINANCIAL ENTERPRISES BANKRUPTCY ACTION](#)

## **PUBLIC HEARING – LAND DEVELOPMENT ACTIONS**

13. [REZONING APPLICATION ZON05-01: CARMEL ESTATES – 19268 NORTH 54<sup>TH</sup> DRIVE](#)
14. [REZONING APPLICATION ZON05-11: 17305 NORTH 63<sup>RD</sup> AVENUE](#)
15. [REZONING APPLICATION ZON05-12: NORTHWEST CHURCH OF CHRIST - 5110 WEST UNION HILLS DRIVE](#)
16. [PUBLIC HEARING – PROPOSED ANNEXATION NO. 157: 8237 & 8257 WEST NORTHERN AVENUE](#)
17. [PUBLIC HEARING – PROPOSED ANNEXATION NO. 160: 15551 WEST OLIVE AVENUE](#)

## **BIDS AND CONTRACTS**

18. [AWARD OF CONSTRUCTION CONTRACT FOR THE RENOVATIONS OF OLDER PARKS](#)

## **ORDINANCES**

19. [ABANDONMENT OF AN ALLEYWAY AT THE NORTHWEST CORNER OF 43<sup>RD</sup> AVENUE AND BETHANY HOME ROAD](#)
20. [SALT RIVER PROJECT EASEMENTS: 1\) BETHANY HOME ROAD FROM 91<sup>ST</sup> TO 95<sup>TH</sup> AVENUES AND; 2\) THE NORTHEAST CORNER OF 79<sup>TH</sup> AND MISSOURI AVENUES](#)

## **REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION**

## **CITIZEN COMMENTS**

**If you wish to speak on a matter concerning Glendale city government that is not on the printed agenda, please fill out a Citizen Comments Card located in the back of the**

**Council Chambers and give it to the City Clerk before the meeting starts. The City Council can only act on matters that are on the printed agenda, but may refer the matter to the City Manager for follow up. Once your name is called by the Mayor, proceed to the podium, state your name and address for the record and limit your comments to a period of five minutes or less.**

## **COUNCIL COMMENTS AND SUGGESTIONS**

## **ADJOURNMENT**

**Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:**

- (i) discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));**
- (ii) discussion or consideration of records exempt by law from public inspection (A.R.S. §38-431.03 (A)(2));**
- (iii) discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));**
- (iv) discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (A)(4));**
- (v) discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or**
- (vi) discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).**

## CALL TO ORDER – PLEDGE OF ALLEGIANCE

## APPROVAL OF THE MINUTES OF [DECEMBER 27, 2005](#)

## PROCLAMATIONS AND AWARDS

### [DR. MARTIN LUTHER KING, JR. UNITY DAY](#)

**Purpose:** This is a request for City Council to proclaim January 13, 2006 as Dr. Martin Luther King, Jr. Unity Day. This day of significance is a time for all of our citizenry to unite to strengthen our community's commitment to the legacy of Dr. Martin Luther King, Jr.

**Council Policies Or Goals Addressed:** The Dr. Martin Luther King, Jr. Unity Day augments Council's strategic goals of enhancing the quality of life for Glendale residents by taking time to reflect on the positive contributions in our community, reflecting on our commonalities, and respecting our differences.

**Background:** Dr. Martin Luther King, Jr. was born January 15, 1929 in Atlanta, Georgia. Dr. Martin Luther King, Jr. worked for racial equality in the United States of America. During the 1950's, Dr. King became active in the movement for civil rights and racial equality. He participated in the Montgomery, Alabama, bus boycott and many other peaceful demonstrations that helped create better treatment for Americans. Because of his commitment to racial equality, he was awarded the Nobel Peace Prize in 1964. Dr. Martin Luther King, Jr. and his legacy helped to build bridges and mend relationships.

**Community Benefit:** The Dr. Martin Luther King, Jr. Unity Day demonstrates our commitment towards creating a society that is more just, peaceful, and understanding.

**Recommendation:** To proclaim January 13, 2006 as Dr. Martin Luther King, Jr. Unity Day in Glendale, Arizona.

### [BOARDS AND COMMISSIONS](#)

**Purpose:** This is a request for the City Council to approve the recommended appointments to the following boards and commissions that have a vacancy or expired term and for the Mayor to administer the oath of office to those appointees in attendance.

			<u>Effective Date</u>	<u>Expiration Date</u>
<b><u>Board of Adjustment</u></b>				
Merry Lutz	Mayoral (Barrel)	Appointment	01/10/2006	06/30/2008

**Citizens Bicycle Advisory Committee**

Charles Grosscup	At-Large (Barrel)	Re-appointment	01/14/2006	01/14/2008
J. Michael Wood	At-Large (Barrel)	Re-appointment	01/16/2006	01/16/2007
Brian E. Kanitsch	Sahuaro	Re-appointment	02/05/2006	02/05/2008
Brian E. Kanitsch	Sahuaro	Vice Chair Appointment	03/04/2006	03/04/2007
Morris Russell	Cactus	Re-appointment	02/05/2006	02/05/2008
Jeffrey L. Reid	At-Large (Barrel)	Re-appointment	03/05/2006	03/05/2008
Betsy Turner	Yucca (Barrel)	Appointment	01/10/2006	02/04/2007

**Commissions On Persons With Disabilities**

Elliot Abramowitz	Ocotillo	Re-appointment	02/27/2006	02/27/2008
Jo Ann J. Caufield	Cholla	Re-appointment	02/27/2006	02/27/2008
Jo Ann J. Caufield	Cholla	Chair Appointment	02/26/2006	02/26/2007
Kathe Neyer	Barrel	Vice Chair Appointment	02/26/2006	02/26/2007

**Historic Preservation Commission**

Ruth Byrne	At-Large (Barrel)	Appointment	01/10/2006	04/13/2008
Gail K. Long	At-Large (Mayoral)	Appointment	01/10/2006	04/13/2007

**Parks & Recreation Advisory Commission**

Sara Berry	At-Large (Teen)	Appointment	01/10/2006	05/27/2007
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Loric Robert Harding	At-Large (Teen)	Appointment	01/10/2006	05/27/2007
Ted Hansen	Cholla	Re-appointment	04/09/2006	04/09/2008
Ted Hansen	Cholla	Chair Re-appointment	02/26/2006	02/26/2007

### **Planning Commission**

Michelle Tennyson	Mayoral (Cholla)	Appointment	01/10/2006	03/25/2008
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### **Public Safety Personnel Retirement System/Police Board**

John Wolfe		Appointment	01/10/2006	07/01/2008
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**Recommendation:** Make appointments to the Boards and Commissions and administer the Oaths of Office.

### **CONSENT AGENDA**

**Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion. If you would like to comment on an item on the consent agenda, please come to the podium and state your name, address and item you wish to discuss.**

#### **1. [LIQUOR LICENSE NO. 3-1025 – SPENCER’S](#)**

**Purpose:** This is a request by LaVern Tucker for the City Council to approve a Series 7 (On/Off-Sale Retail-Beer & Wine Bar) liquor license for Spencer’s, located at 5626 West Bell Road, #101.

The new owner is requesting transfer of this license, and is concurrently applying for a Series 12 (restaurant-all liquor) license under separate application. The applicant intends to sell the Series 7 liquor license and operate as a restaurant.

**Background:** The approval of the transfer of this Series 7 license will not increase the total number of liquor licenses in this area. The previous owner held a Series 7 liquor license at this location.

The establishment is over 300 feet from any school or church. The City of Glendale Planning Department, the City of Glendale Police Department, and the Maricopa County Health Department reviewed the application and determined it meets all technical requirements.

**Public Input:** No protests were received during the 20-day posting period.

**Recommendation:** Forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1025.

2. [LIQUOR LICENSE NO. 3-1028 – SPENCER’S](#)

**Purpose:** This is a request by LaVern Tucker for the City Council to approve a new Series 12 (Restaurant – all liquor) liquor license for Spencer’s, located at 5626 West Bell Road, #101.

The new owner is requesting transfer of a Series 7 liquor license, and is concurrently applying for a Series 12 (restaurant-all liquor) license under separate application. The applicant intends to sell the Series 7 liquor license and operate as a restaurant.

**Background:** The approval of this new Series 12 license will increase the total number of liquor licenses in this area by one. The previous owner held a Series 7 liquor license at this location.

The establishment is over 300 feet from any school or church. The City of Glendale Planning Department, the City of Glendale Police Department, and the Maricopa County Health Department reviewed the application and determined it meets all technical requirements.

**Public Input:** No protests were received during the 20-day posting period.

**Recommendation:** Forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1028.

3. [LIQUOR LICENSE NO. 3-1026 – SOMER MARKET](#)

**Purpose:** This is a request by Ramzi Elia for the City Council to approve a new series 10 (Beer and Wine Store) license for Somer Market, located at 4935 West Glendale Avenue.

**Background:** The approval of this license not will increase the total number of liquor licenses in this area. The previous owner held a series 10 liquor license at this location.

The establishment is over 300 feet from any school or church. The Planning Department, Police Department, and the Maricopa County Health Department have reviewed the application and have determined that it meets all technical requirements.

**Public Input:** No protests were received during the 20-day posting period.

**Recommendation:** Forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1026.

4. [LIQUOR LICENSE NO. 3-1027 – NAKED TRUTH BAR & GRILL](#)

**Purpose:** This is a request by Jeffery Jones for the City Council to approve a new series 7 (On/Off-Sale Retail-Beer & Wine Bar) liquor license for Naked Truth Bar & Grill, located at 5060 West Bethany Home Road, #18.

**Background:** The approval of this license will increase the total number of liquor licenses in this area by one.

The establishment is over 300 feet from any school or church. The City of Glendale Planning Department, the City of Glendale Police Department, and the Maricopa County Health Department reviewed the application and determined it meets all technical requirements.

**Public Input:** No protests were received during the 20-day posting period.

**Recommendation:** Forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1027.

5. [SPECIAL EVENT LIQUOR LICENSE FOR SAINT JOHN OF THE DESERT](#)

**Purpose:** This is a request by Father Peter Boutros for the City Council to approve a special event liquor license for Saint John of the Desert. This event is a Church Dedication Dinner for Saint John of the Desert, which will be held at Saint Helen's, located at 5510 West Cholla Street on Sunday, January 15, 2006 from 6 to 10 p.m.

**Background:** If this license is approved, the total days expended by this applicant will be one of the allowed 10 days this year.

Under the provisions of Arizona Revised Statutes Sec. 4-203.02, the Arizona Department of Liquor Licenses and Control may issue a special event liquor license only if the City Council recommends approval of such license.

**Recommendation:** Forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for this special event liquor license for Saint John of the Desert.

6. [PROFESSIONAL SERVICES AGREEMENT – 71<sup>ST</sup> AND ORANGEWOOD AVENUES PARKS IMPROVEMENTS](#)

**Purpose:** This is a request for City Council to approve a professional services agreement with the engineering firm HDR, Inc. for design and construction administration services for Phase I of the future community park at 71<sup>st</sup> and Orangewood Avenues.

**Council Policies Or Goals Addressed:** The development of this park is consistent with Council strategic priorities of enhancing the quality of life for Glendale residents and projecting a



positive image of Glendale. The development of the park is also consistent with the Parks and Recreation Master Plan, which was adopted by Council in 2002.

**Background:** In 1987, the Flood Control District of Maricopa County (FCDMC) conducted an Area Drainage Master Study (ADMS) for the West Valley. Included in the report was a recommendation to design and construct several drains, retention, or detention basins along Orangewood Avenue from 67<sup>th</sup> Avenue to New River. In May 1994, the city entered into an Intergovernmental Agreement (IGA) with the FCDMC for the west side flood control project. The IGA authorized the FCDMC to design and construct a flood control basin along Orangewood Avenue. Once the project was complete, the site would be turned over to the city to maintain and become a city park.

The flood control basin located at the northeast corner of 71<sup>st</sup> Avenue and Orangewood was originally planned to be 38 acres in size. After further analysis, the FCDMC determined it only would need approximately 22 acres for retention. As a result, in March of 2000, the city purchased the remaining 16.22 acres of the 38-acre site. The 22-acre basin for retention was later deeded from FCDMC to the city in November 2002, giving the city the full 38 acres. This will allow the city to develop a community park, that includes amenities such as multi-purpose football/soccer fields with lights, play equipment, basketball and volleyball courts, ramadas, pedestrian pathways, and open turf areas.

The Parks and Recreation Master Plan identified the 38-acre property as a future community park. Due to the growth in the surrounding neighborhood and the funds currently available in the Capital Improvement Plan, Parks and Recreation is proceeding with Phase I of the park.

Phase I of this project will include developing five acres of the northwest section of the property, and will include neighborhood park amenities, such as play structures, ramadas, and sports courts. The neighborhood park will serve the immediate needs of the surrounding neighborhood. Future phases of the park development will include the construction of lighted multi-purpose fields and other amenities consistent with a community park.

**Previous Council/Staff Actions:** In May 1994, Council authorized the IGA with the FCDMC. In March 2000, Council approved the purchase of the 16.22 acres. In November 2002, Council approved the deed transfer from the FCDMC for the remaining 22 acres.

**Community Benefit:** The development of Phase I of the park will help the city meet the standard level of service of providing a neighborhood park within every residential square mile as recommended in the Parks and Recreation Master Plan. The park will provide neighborhood recreation amenities currently not available in the service area and further the city's commitment to providing quality of life opportunities for all residents.

**Public Input:** The consultant and city staff conducted an initial public meeting on July 14, 2005. Notices were mailed to all residents in a two square mile radius of the park. Based on public input from this meeting, a preliminary master plan was developed. HDR presented the preliminary master plan at the second public meeting to a small group of neighbors, which was

held September 15, 2005. Future public meetings will be held to gain input on additional amenities for the remainder of the community park.

**Budget Impacts & Costs:** Funds for this project are available in the City Council approved FY 2006-2015 Capital Improvement Plan Development Impact Fees.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$123,755

**Account Name, Fund, Account and Line Item Number:**

DIF-Citywide Parks, Park Development – 71<sup>st</sup>/Orangewood, (80-8933-8300)

**Recommendation:** Approve professional services agreement with HDR in an amount not to exceed \$123,755.

7. [AWARD OF CONTRACT – ORANGE GROVE ESTATES AND SKYVIEW WEST I NEIGHBORHOOD WALL IMPROVEMENTS](#)

**Purpose:** This is a request for City Council to award a contract to Niche Contracting, Inc., in an amount not to exceed \$728,724.62, to construct an eight-foot masonry wall along the perimeter of the Orange Grove Estates and Skyview West I neighborhoods.

**Council Policies Or Goals Addressed:** As part of its commitment to revitalizing and preserving older neighborhoods, Council established the Neighborhood Grants Program and the Citizens' Advisory Commission on Neighborhoods to make funding recommendations on neighborhood enhancements and revitalization projects. The perimeter wall improvements proposed for the Orange Grove Estates and Skyview West I neighborhoods are consistent with the policies of the Neighborhood Grants Program as established by the Council and support the implementation of goals and objectives relating to the Neighborhood Element of the General Plan.

**Background:** The Skyview West I Neighborhood Association received neighborhood grant awards in the Fall of 2004 and the Spring of 2005 for the construction of a perimeter wall along the south side of Bethany Home Road, between 69<sup>th</sup> and 71<sup>st</sup> Avenues.

The Orange Grove Estates Neighborhood Association received a neighborhood grant award in the Fall of 2002 for the construction of a perimeter wall along the east side of 67<sup>th</sup> Avenue, extending north from the main entrance of the mobile home park to Butler Drive. As a result of the new Grand Avenue overpass located at 67<sup>th</sup> and Northern avenues, the Arizona Department of Transportation (ADOT) is responsible for constructing a perimeter wall along the east side of 67<sup>th</sup> Avenue, extending south from the main entrance of the mobile home park to just north of Royal Palm Road.

The north and south portions of the wall have been combined as one project and will be managed by the city's Engineering Department. ADOT has transferred funds to the city for construction costs associated with the south portion of the perimeter wall.

On December 8, 2005, the Engineering Department received and opened two bids for the Orange Grove and Skyview West I Neighborhood Wall Improvements. Niche Contracting, Inc., a qualified licensed contractor, submitted the lowest bid in the amount of \$728,724.62.

**Community Benefit:** Both neighborhoods are located adjacent to highly traveled roadways. The proposed wall construction will result in great visual improvements to both neighborhoods and improve the neighborhood quality of life in the surrounding areas.

**Public Input:** There has been public input for each of these projects. The Council approved funding for both the Skyview West I and Orange Grove Estates Neighborhood Wall Improvements based on recommendations made by the Commission on Neighborhoods after a series of neighborhood grants hearings in 2004 and 2005. Additionally, at the time when the Grand Avenue enhancements were designed by ADOT, several public input and design sessions were conducted.

**Budget Impacts & Costs:** Funds in the amount of \$498,016.80 are available in the Neighborhood Improvement Grant Account and funds in the amount of \$230,707.82 are available in the Grand Avenue Beautification Account.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$728,724.62

**Account Name, Fund, Account and Line Item Number:**

Neighborhood Improvement Grant Account No. 01-4420-7330

Grand Avenue Beautification Account No. 31-8990-8330

**Recommendation:** Award the construction contract to Niche Contracting, Inc., in the amount of \$728,724.62.

8. [AWARD OF PROPOSAL 05-41, PROPERTY INSURANCE AND BROKER SERVICES](#)

**Purpose:** This is a request for City Council to authorize the award of proposal 05-41 in an amount not to exceed \$195,000 to Driver-Alliant Resources Group for broker services and property insurance. Driver-Alliant would represent the city in obtaining insurance protection for all lines of insurance coverage excluding employee benefits. The annual cost for broker services and property coverage is \$195,000.

**Council Policies Or Goals Addressed:** This request promotes the Council goal of providing financial stability through an enhanced property insurance program tailored for public entities. Blanket policy limits available to the city, effective January 26, 2006 will increase from \$100 million to \$1 billion per loss occurrence at premium cost savings of \$162,251.

**Background:** Driver-Alliant was founded in 1925 and represents over 6,000 public entity clients in 28 States. The services of an insurance broker are required in order to access insurance protection for city property and liability exposures. Proposals were requested for property

insurance and broker services and the city received four offers. The recommended broker provided the broadest protection at the least cost for the lowest fee. This broker will also assist the city in procuring liability, excess workers' compensation, airport and other insurance coverage as these other policies expire during the year.

**Previous Council/Staff Actions:** Previous broker services were provided by Marsh, Inc. utilizing Travelers-St. Paul and Fireman's Fund as the property insurance carriers.

**Community Benefit:** Approval of this action will provide better insurance protection of public property against loss at a savings to the taxpayers of \$162,251.

**Budget Impacts & Costs:** The annual cost for this portion of coverage and service is \$195,000. As new city structures are constructed and added to the insurance policy, premiums will increase. The past year's property insurance premium and broker fees were \$357,251, thus we are seeing a savings of \$162,251.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
			X		\$195,000

**Account Name, Fund, Account and Line Item Number:**

Account # 7330-76-1435 Risk Management Trust Fund

**Recommendation:** Award the proposal for insurance broker services and property insurance to Driver-Alliant Resources Group utilizing their Public Entity Property Program in an amount not to exceed \$195,000.

9. [AWARD OF PROPOSAL 05-28, PLAN REVIEW SERVICES](#)

**Purpose:** This is a request for City Council to authorize the award of proposal 05-28 in an amount not to exceed \$100,000 to Harris and Associates for professional plan review services on an "as required" basis for the Building Safety Department.

**Council Policies Or Goals Addressed:** Contractual plan review services support Council goals of coordinating exceptional service delivery for citizens and customers by ensuring that the city meets plan review deadlines.

**Background:** On August 18, 2005, a solicitation was issued to request proposals for three different services: residential property, non-residential property, and structural plans review services. Eight proposals were received. A committee consisting of members from the Building Safety department and Fire department reviewed the proposals. Specific evaluation criteria included capabilities of firm and staff, cost, approach to project, and references. Three separate lots were reviewed and scored based upon the criteria. The offeror scoring the highest for all three services was Harris and Associates. If approved by the City Council, a term agreement will

be issued for one year. The proposal specifications contain an option clause that will permit the City, at the discretion of the City Manager, to extend this agreement in one-year increments for an additional four years.

**Community Benefit:** Contractual plan review services provides the city with the flexibility to send construction plans to an outside agency for review when the plan review workload is high or the project's schedule is compressed, allowing the city to meet review deadlines.

**Budget Impacts & Costs:** Total contractual services not to exceed \$100,000. Funds are available in Westgate Professional & Contractual Account No. 01-5217-7330. Plan review fees collected during the review process will be deposited to the General Fund and are anticipated to cover the costs associated with the contractual services.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
			X		\$100,000

**Account Name, Fund, Account and Line Item Number:**

Westgate-Professional & Contractual Account No. 01-5217-7330

**Recommendation:** Award proposal 05-28 for professional plan review services on an "as required" basis to Harris and Associates in an amount not to exceed \$100,000.

## CONSENT RESOLUTIONS

### 10. [FISCAL YEAR 2005 HISTORIC PRESERVATION HERITAGE GRANT APPLICATION](#)

**Purpose:** This is a request for City Council to approve an Historic Preservation Heritage Grant application for weatherization and stabilization of four contributing properties within the Floralcroft Historic District and to accept the grant if awarded.

**Council Policies Or Goals Addressed:** May 28, 2002, Council adopted the General Plan with voter ratification on November 5, 2002, and effective date on December 1, 2002. The General Plan Redevelopment Element encourages historic structure preservation for the City Center planning area since historic preservation is an integral component of city redevelopment and revitalization efforts. The Urban Design Strategy of the City Center Master Plan, adopted by Council on July 23, 2002, urges the preservation of historical landmarks.

**Background:** On October 21, 2005, the Floralcroft Historic District was recommended to be placed on the State and National Register of Historic Places by the State Historic Preservation Site Selection Committee. The Floralcroft Historic District is an outstanding example of historic preservation for the community and the State of Arizona. The historic district has 52 contributing properties and six non-contributing properties which meet the criteria for nomination to the National Register of Historic Places due to age, integrity, and significance.

The Arizona State Parks is responsible for the administration of the historic preservation portion of the Heritage Fund. These grants are for historic preservation projects for resources that are on, or eligible for the State and National Register.

Eligible activities by Heritage Fund include foundations, structural elements, roof repair or replacement, exterior doors, and window repair or replacement. Four contributing properties in the Floralcroft Historic District would have weatherization and stabilization repairs or replacement. There will be educational projects of a display and brochure to inform the participants and the community about Floralcroft's historic preservation efforts and the importance and benefits of preserving Glendale's historic resources. There would also be a self-guided downtown tour using bronze National Register plaques, bronze interpretative plaques, and boundary signs with a tour map including Catlin Court Historic District. The total project cost is \$116,904. The grant request is for \$57,009 and a match of \$59,895 consisting of a combination of cash and in-kind contributions from multiple sources.

The State Parks Board will make grant award decisions at its March 2006 meeting. Contracts will be awarded in May 2006 and, if awarded, this project would begin in July 2006.

**Previous Council/Staff Actions:** Council has participated in the State Parks Heritage Fund for historic preservation for over ten years, resulting in more than \$3 million in grant awards.

**Community Benefit:** The approval and implementation of the proposed Floralcroft Historic District Heritage Grant to repair four contributing properties, and provide education programs regarding historic preservation and signage will help to preserve an impressive and valuable part of Glendale's past.

**Public Input:** On November 29, 2004, an initial meeting was held with 45 property owners to discuss the preparation of a National Register nomination for Floralcroft. Letters were sent to all property owners within the Floralcroft Historic District inviting them to attend this meeting regarding the proposed application for Historic Preservation Heritage Grant funds. The benefits of the Heritage Fund Grant for weatherization and stabilization were discussed.

There were two public meetings held in preparing the application. The first meeting was held on January 20, 2005. Approximately 16 people attended the meeting. The participants heard a description of the proposed project and requirements for property owners to participate in the project.

The second meeting was held on October 17, 2005. Three people attended. Those who wished to participate in the project signed a consent letter to participate and provided the required cash match for their property. The project architect, contract administrator, and city staff answered questions from potential participants. The project has received wide-ranging support from many stakeholders and organizations in and around the downtown area.

**Budget Impacts & Costs:** Each participating property owner will contribute approximately 50% of the cost for eligible repairs for a combined total of \$35,579 in cash. The Glendale Historical

Society is contributing \$1,200 of donated services. The Sahuaro Ranch Foundation is contributing \$1,000 of donated services.

The planning staff will contribute approximately \$2,500 of services. The Community Partnerships Department will contribute \$1,536 of in-kind staff time. Approximately \$1,000 of in-kind graphics services by the city is needed to assemble layouts for brochures and self-guided walking tour materials.

The city will provide \$17,080 in cash from the Grants Administration Matching Fund 47.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X		X		X	\$57,009

**Account Name, Fund, Account and Line Item Number:**

A specific account will be established in Fund 47, the city's grant fund, once the grant agreements are formally executed.

**Recommendation:** Waive reading beyond the title and adopt a resolution authorizing the submission of the application and acceptance of the Arizona State Parks Fiscal Year 2005 Historic Preservation Heritage Grant.

11. [ACQUISITION OF RIGHT-OF-WAY FOR INTERSECTION IMPROVEMENTS](#)

**Purpose:** This is a request for City Council to authorize the purchase of three properties needed to complete Glendale Onboard (GO) intersection improvement projects.

**Council Policies Or Goals Addressed:** One of Council's goals is to improve and provide transportation options within the city.

**Background:** Intersection improvement projects have been previously identified in the GO Program. The city needs to obtain additional right-of-way in order to construct related street improvements that include right turn lanes, bus bays and merge lanes, as well as new curbs, gutters, sidewalks, and landscaping.

Right-of-way properties to acquire are described below:

**Bank of America** - Bank of America, the owner of property located near the southwest corner of 43<sup>rd</sup> and Olive avenues, will sell approximately 462 square feet of property towards improvements at this intersection. The property owner is willing to grant a temporary easement to the city on the property for construction of improvements. The property owner will be compensated a total of \$28,591 for right-of-way to be acquired, SRP facility easements, and relocation of an existing business sign.

**Bethany 43 LLC** - Bethany 43 LLC, the owner of property located near the southwest corner of 43<sup>rd</sup> Avenue and Bethany Home Road, will sell approximately 13,855 square feet of property

towards improvements at this intersection. The property owner is willing to grant a temporary easement to the city on the property for construction of improvements. The property owner will be compensated a total of \$200,000 for right-of-way to be acquired and for landscaping, driveway paving, irrigation system replacement and new drainage facilities.

**SB Glendale Investments and FB Glendale Investments, LLC** – SB Glendale Investments and FB Glendale Investments, the owner of property located near the northwest corner of 67<sup>th</sup> Avenue and Bell Road, will sell approximately 378 square feet of property towards improvements at this intersection. The property owner is willing to grant a temporary easement to the city on the property for construction of improvements. The property owner will be compensated a total of \$15,000 for right-of-way to be acquired and removal of existing site improvements.

**Previous Council/Staff Actions:** These projects were included in the Capital Improvement Program budget process and funding is available from the half-cent transportation sales tax program.

**Community Benefit:** GO Program improvements are being made to streets, transit, and pedestrian facilities. These projects will provide bus bays and improve pedestrian and traffic flow.

**Public Input:** The GO Program provides multiple opportunities for public input. This year, an annual report was mailed to all Glendale households, a transportation fair was held on April 17, 2005, and a community meeting for the annual report was held on April 21, 2005. Project specific public meetings will be conducted by the Engineering Department.

**Budget Impacts & Costs:** City of Glendale funds for right-of-way acquisition and improvements are budgeted as part of the GO Transportation Program. Closing costs for all of the above properties total \$2,149.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$245,740

**Account Name, Fund, Account and Line Item Number:**

43<sup>rd</sup> Ave: Bethany Hme – Peoria, Account No. 33-9490-8100 (\$230,240)

67<sup>th</sup> Ave: Olive to Bell Rd Imp, Account No. 33-9479-8100 (\$15,500)

**Recommendation:** Waive reading beyond the title and adopt a resolution authorizing the City Manager to execute all documents necessary to purchase the necessary rights-of-way for the Glendale Onboard (GO) Transportation Program.

12. [SETTLEMENT WITH TRUSTEES AND AFFILIATES IN THE NATIONAL CENTURY FINANCIAL ENTERPRISES BANKRUPTCY ACTION](#)

**Purpose:** This is a request for City Council to adopt a resolution ratifying the proposed settlement with the trustee for National Century Financial Enterprises (“NCFE”), JP Morgan



Chase & Co., and its affiliates, JP Morgan Chase Bank, JP Morgan Partners, LLC, Bank One, N.A., Bank One Corporation, Banc One Capital Markets, Inc., The Beacon Group, LLC, The Beacon Group Focus Value Fund-III, LP, and outside directors Thomas G. Mendell, Harold W. Pote, and Eric R. Wilkerson.

**Council Policies Or Goals Addressed:** Providing financial stability by resolving litigation in the most efficient and effective manner.

**Background:** In 2001 and 2002, the City of Glendale, as a member of the Local Government Investment Pool 55, invested in debt securities of NCFE. Decisions as to the management of the investment pool were made by the State of Arizona. In November 2002, NCFE declared bankruptcy, which stayed the City's recovery of its \$3,554,291.12 investment in the pool.

In order to pursue recovery of this loss in a cost efficient manner, Glendale joined with several other municipalities to form a consortium that would jointly pursue claims against several of the world's largest financial institutions and accounting firms. Through the litigation with the consortium, Glendale has recovered \$516,641.76. This amount includes recovery from Deloitte & Touche that the Council approved in September 2005.

In April 2005, JP Morgan approached the law firm representing the consortium to discuss potential settlement. After consultation and months of negotiations, a proposed settlement was reached. The settlement provides that JP Morgan and its affiliates will pay a total of \$375 million. The amount offered is the largest settlement amount that has been paid by an indenture trustee in a similar type of action. This settlement leaves two other solvent defendants in this action, Credit Suisse First Boston and PriceWaterhouse Cooper, against which to pursue the remaining portion of the consortium's claims.

As with the prior approved settlements, this amount will be distributed pro rata among the consortium based on the amount of each member's initial investment. Glendale's portion of this recover will be approximately \$690,585.50. This will bring the total recovery of losses in this matter to approximately \$1,207,227.26.

It was recommended by the City Attorney and the City's Chief Financial Officer, consistent with the consortium's legal counsel, the State Treasurer's office, and the Arizona Attorney General's Office that the Council approve settlement of this claim for the amount offered.

**Recommendation:** Waive reading beyond the title and adopt a resolution ratifying the settlement with JP Morgan and affiliates as listed above in the National Century Financial Enterprise action.

## PUBLIC HEARING – LAND DEVELOPMENT ACTIONS

### 13. [REZONING APPLICATION ZON05-01: CARMEL ESTATES – 19268 NORTH 54<sup>TH</sup> DRIVE](#)

**Purpose:** This is a request by Union Hills 54, LLC for City Council to approve Rezoning Application ZON05-01 located at 19268 North 54<sup>th</sup> Drive. The applicant is requesting to rezone from R1-6 PRD (Single Residence, Planned Residential Development) and A-1 (Agricultural) to R1-6 PRD. The applicant intends to develop the subdivision “Carmel Estates”.

**Council Policies Or Goals Addressed:** The proposed subdivision is compatible with the Medium Density General Plan designation. The R1-6 PRD adds to the city’s housing stock, provides housing opportunities and housing unit diversity. This development incorporates sound growth management techniques by utilizing the surrounding infrastructure.

**Background:** The applicant intends to build a 39-lot single-family subdivision on 9.8 acres at a density of 3.9 dwelling unit per gross acres. Lot sizes vary from 6,820 square feet to 13,120 square feet with an average lot size of 7,580 square feet. The minimum lot width is 62 feet and the minimum lot depth is 110 feet.

**Previous Council/Staff Actions:** The Planning Commission recommended approval of this Rezoning Application on November 17, 2005, with five stipulations as outlined in the attached memorandum.

**Community Benefit:** The project promotes the development of vacant property and provides housing that is compatible with the surrounding area.

**Public Input:** A neighborhood meeting was held September 12, 2005. Of the 158 people invited to the neighborhood meeting, 25 property owners and interested parties attended. Issues discussed include: who the homebuilder will be; how the lots will be released; if there will be a homeowners’ association; and how the existing site will be remediated. It is anticipated that the subdivision will be developed in one phase. A homebuilder has not yet been identified at this time. A homeowners’ association will be established and the site will be remediated as needed by the applicant.

**Recommendation:** Conduct a public hearing, waive reading beyond the title, and approve the Rezoning Application ZON05-01 subject to the stipulations as recommended by the Planning Commission.

### 14. [REZONING APPLICATION ZON05-11: 17305 NORTH 63<sup>RD</sup> AVENUE](#)

**Purpose:** This is a request by Longo Builders for City Council to approve Rezoning Application ZON05-11 located at 17305 North 63<sup>rd</sup> Avenue. The applicant is requesting to rezone from A-1 (Agricultural) to RR-45 (Rural Residential).

**Council Policies Or Goals Addressed:** The proposed rezoning is compatible with the Low Density General Plan designation. The RR-45 adds to the city's housing stock, provides housing opportunities, and housing unit diversity. This development incorporates sound growth management techniques by utilizing the surrounding infrastructure.

**Background:** The applicant intends to divide the property into four single-family lots, each a minimum of 45,000 square feet. The property was initially zoned A-1 upon annexation into the City of Glendale on September 11, 1979. It has approximately 292 feet of frontage on 63<sup>rd</sup> Avenue and is 621 feet deep.

**Previous Council/Staff Actions:** The Planning Commission recommended approval of this Rezoning Application on November 17, 2005, with two stipulations as outlined in the attached memorandum.

**Community Benefit:** The project promotes the development of vacant property with appropriate uses and provides housing that is compatible with the surrounding area.

**Public Input:** The applicant sent 39 notification letters to adjacent property owners and interested parties for this project on May 28, 2005. The applicant received three phone calls regarding how the property will be provided with water and sewer service. Septic tanks are not a viable solution when sanitary sewer is available nearby. The applicant will connect to the city's sewer system.

**Recommendation:** Conduct a public hearing, waive reading beyond the title, and approved the Rezoning Application ZON05-11 subject to the stipulations as recommended by the Planning Commission.

15. [REZONING APPLICATION ZON05-12: NORTHWEST CHURCH OF CHRIST - 5110 WEST UNION HILLS DRIVE](#)

**Purpose:** This is a request by Northwest Church of Christ for City Council to approve Rezoning Application ZON05-12 located at 5110 West Union Hills Drive. The applicant is requesting to rezone 3.65 acres from A-1 (Agricultural) to SR-30 (Suburban Residential).

**Council Policies Or Goals Addressed:** The proposed rezoning is compatible with the Low Density General Plan designation. The SR-30 adds to the city's housing stock, provides housing opportunities, and housing unit diversity. This development incorporates sound growth management techniques by utilizing the surrounding infrastructure.

**Background:** The applicant intends to rezone the property and then apply for a Conditional Use Permit to allow a church at this location. On September 11, 1979, the property was initially zoned A-1 upon annexation into the City of Glendale. It has approximately 573 feet of frontage along Union Hills Drive and approximately 275 feet of frontage along 51<sup>st</sup> Avenue.

**Previous Council/Staff Actions:** On December 15, 2005, the Planning Commission recommended approval of this Rezoning Application with six stipulations (as noted in the attached memorandum.)

**Community Benefit:** The project promotes the development of vacant property with appropriate uses and provides zoning that is compatible with the existing zoning surrounding area.

**Public Input:** On July 15, 2005, the applicant sent 128 notification letters with enclosed response cards to adjacent property owners and interested parties for this project. The applicant received four postcards concerned about overflow parking. This site plan will be reviewed to ensure that adequate parking is provided.

**Recommendation:** Conduct a public hearing, waive reading beyond the title, and approved the Rezoning Application ZON05-12 subject to the stipulations as recommended by the Planning Commission.

16. [PUBLIC HEARING – PROPOSED ANNEXATION NO. 157: 8237 & 8257 WEST NORTHERN AVENUE](#)

**Purpose:** This is a request for City Council to conduct a public hearing on the blank annexation petition for Annexation Area No. 157, as required by state statute. The vacant property is located at the immediate southeast corner of 83<sup>rd</sup> and Northern avenues.

**Council Policies Or Goals Addressed:** Glendale 2025, the city’s General Plan, includes specific goals addressing the need for growth management. The Land Use Element, Goal 2 – “Promote sound growth management methods” and the Growth Areas Element, Goal 3 – “Manage growth to achieve reasonable, responsible urban development.” Annexation is a tool that can be used by the city to direct and manage growth.

**Background:** The 12.89-acre site is located at the southeast corner of 83<sup>rd</sup> and Northern avenues. The future Northern Parkway is located along the northern boundary of this parcel and an elevated intersection will take the Northern Parkway over 83<sup>rd</sup> Avenue when constructed.

The property owners of these parcels are requesting annexation and have appointed the purchaser of these parcels as “owner representative” for this process. The purchaser of these parcels has indicated that a development consisting of commercial-office will be located at the immediate intersection of 83<sup>rd</sup> and Northern avenues and a large lot single-family residential subdivision is for the remainder of the site. If annexed by the city, the parcel will be eligible for connection to city utilities and will receive city services. All development that may occur on this parcel must comply with current city development standards and policies.

The blank annexation petition was recorded on December 15, 2005. This public hearing is being conducted during the last 10 days of the 30-day waiting period required by state statute. Recording the blank petition is the first formal step taken in the annexation process. The next step is to hold a public hearing on the blank annexation petition. All property owners within the area to be annexed have been notified of this public hearing by first class mail. The proposed

annexation area has been posted in at least three conspicuous places and the public hearing has been advertised in the Glendale Star.

Once the public hearing has been conducted and the 30-day waiting period expires on December 21, 2005, signatures may be gathered. If a sufficient number of signatures in favor of annexation are obtained, and these signatures represent the required amount of valuation, then Council will be asked to consider the adoption of an annexation ordinance.

**Previous Council/Staff Actions:** At the November 1, 2005 workshop, staff presented and discussed the proposed annexation process for Annexation Area No. 157.

**Community Benefit:** The annexation of this 12.89-acre area would require that any future development of this location meet the Glendale General Plan requirements as well as all other development standards for the city.

This annexation area is located at a “gateway” into the city and development of this site under Glendale requirements would provide an aesthetically pleasing entry point into the city.

**Recommendation:** Conduct a public hearing on the blank annexation petition for Annexation Area No. 157 as required by state statute.

17. [PUBLIC HEARING – PROPOSED ANNEXATION NO. 160: 15551 WEST OLIVE AVENUE](#)

**Purpose:** This is a request for City Council to conduct a public hearing on the blank annexation petition for Annexation Area No. 160, as required by state statute. The vacant property is located at the immediate southeast corner of Loop 303 and Olive Avenue.

**Council Policies Or Goals Addressed:** Glendale 2025, the city’s General Plan, includes specific goals addressing the need for growth management. The Land Use Element, Goal 2 – “Promote sound growth management methods” and the Growth Areas Element, Goal 3 – “Manage growth to achieve reasonable, responsible urban development.” Annexation is a tool that can be used by the city to direct and manage growth.

**Background:** The 738-acre site is located at the southeast corner of Loop 303 and Olive Avenue. This annexation area has a number of unique factors associated with it:

A portion of the annexation area is located within the Loop 303 Corridor. This Corridor was designated as a priority area for the city and is identified as a “growth area” in the General Plan.

Northern Parkway intersects with the Loop 303 in this general vicinity. The future Parkway will be a major east-west transportation link for the entire west valley linking Grand Avenue with Loop 303.

The annexation area also includes approximately 200 acres of land that lies within the Luke Air Force Base [LAFB] noise contours and is subject to both federal and state laws that guide development within the noise contours.

The applicant, Element Homes, is proposing a broad spectrum of land uses at this location to include mixed-use within the Loop 303 Corridor, single-family residential between Sarival Avenue and the noise contour boundary and then LAFB compatible land uses for the acreage within the noise contour boundary. If annexed by the city, this area will receive city services that include police, fire, and sanitation services. Private companies provide water and sewer utilities in this area of the city. All development that may occur on this parcel must comply with current city development standards and policies.

The blank annexation petition was recorded on December 15, 2005. This public hearing is being conducted during the last 10 days of the 30-day waiting period required by state statute. Recording the blank petition is the first formal step taken in the annexation process. The next step is to hold a public hearing on the blank annexation petition. All property owners within the area to be annexed have been notified of this public hearing by first class mail. The proposed annexation area has been posted in at least three conspicuous places and the public hearing has been advertised in the Glendale Star.

Once the public hearing has been conducted and the 30-day waiting period expires on December 21, 2005, signatures may be gathered. If a sufficient number of signatures in favor of annexation are obtained, and these signatures represent the required amount of valuation, then Council will be asked to consider the adoption of an annexation ordinance.

**Previous Council/Staff Actions:** At the November 1, 2005 workshop, staff presented and discussed the proposed annexation process for Annexation Area No. 160.

**Community Benefit:** The annexation of this 738-acre area would require that any future development of this location meet the Glendale General Plan requirements as well as all other development standards for the city. Non-residential uses that may develop in this location could provide sales tax revenue and employment opportunities to the city.

**Recommendation:** Conduct a public hearing on the blank annexation petition for Annexation Area No. 160 as required by state statute.

## **BIDS AND CONTRACTS**

### **18. [AWARD OF CONSTRUCTION CONTRACT FOR THE RENOVATIONS OF OLDER PARKS](#)**

**Purpose:** This is a request for City Council to approve a construction contract with Valley Rain Construction Corporation in the amount of \$1,794,848.64 to renovate four older parks to include New World, Delicias, Myrtle and Lawrence parks.

**Council Policies Or Goals Addressed:** The park renovations address Council goals of enhancing the quality of life for Glendale residents, managing growth and preserving neighborhoods, and projecting a positive image of Glendale.

**Background:** The four older park master plans involved extensive public involvement and incorporates upgraded design elements that are consistent with the Parks and Recreation Master Plan. These parks are classified as Neighborhood Parks (under 10 acres) and have a service radius of one mile.

Renovations will include upgrades and/or additions of park features, such as, open space, landscape, aesthetics, pedestrian walkways, play structures, entry monuments, shade structures, irrigation, and picnic ramadas.

This project was originally advertised in August 2005 and no bids were received. The project was readvertised again in October 2005 and one bid was received. Upon review, the Engineering Department deemed the bid price to be compatible with the Engineer's estimate.

**Previous Council/Staff Actions:** In the Fall of 2000, Parks and Recreation Commission members visited, evaluated and prioritized 27 older city parks for future renovation. In February 2003, the Parks and Recreation Commission finalized the prioritization of the parks to be renovated and New World, Delicias, Myrtle and Lawrence parks were identified as the highest priority. With this prioritization, staff solicited the services of Logan Simpson Design in June 2003, to conduct public meetings to determine what park amenities should be addressed. The Parks and Recreation Advisory Commission and staff will begin review of older park priorities for future renovations at the January 2006 Commission meeting.

**Community Benefit:** The community will have the opportunity to make use of enhanced park amenities and infrastructure, such as ramadas, picnic and park benches, concrete pathways, landscaping, basketball courts, open turf areas, additional low-level security lighting, drinking fountains, sports lighting, and play structures. All park renovations provide needed upgrades to park amenities.

**Public Input:** Public input was solicited through several public meeting held in the Fall of 2003. Logan Simpson Design conducted two public meetings for each park and then an open house to display the final master plans for each park. Through the public meeting process, citizens were provided the opportunity to prioritize and provide input on a variety of recreational, leisure, educational, and interpretive park amenities. Follow up meetings were held in the early Spring of 2004, to provide opportunities for additional input.

**Budget Impacts & Costs:** The costs for the renovations are included in the FY 2005-06 Capital Improvement Plan. The base bid for the project is \$215,000 and includes construction surveying and mobilization. Myrtle Park renovation cost is \$118,289.04, Delicias Park renovation cost is \$360,364, Lawrence Park renovation cost is \$488,331, and New World Park renovation is \$612,864.60.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$1,794,848.64

**Account Name, Fund, Account and Line Item Number:**

Parks Redevelopment, Fund No. 36-8026-8300

**Recommendation:** Award the construction contract with Valley Rain Construction Corporation for the renovation of four parks in the amount not to exceed \$1,794,848.64.

## ORDINANCES

### 19. [ABANDONMENT OF AN ALLEYWAY AT THE NORTHWEST CORNER OF 43<sup>RD</sup> AVENUE AND BETHANY HOME ROAD](#)

**Purpose:** This is a request for City Council to adopt an ordinance authorizing the abandonment of an existing alleyway at the northwest corner of 43<sup>rd</sup> Avenue and Bethany Home Road.

**Background:** A developer has assembled several parcels of land on the northwest corner of 43<sup>rd</sup> Avenue and Bethany Home Road that are currently bisected by an existing city owned alleyway for the purpose of constructing a new CVS Pharmacy and renovating the existing strip retail center to the west. Glendale Onboard (GO) will be receiving necessary right-of-way to improve transportation flow through the intersection, create a bus bay, and install covered transit shelter and landscaping to create a gateway feature.

Staff has determined that the alleyway is no longer necessary for city right-of-way or for the entire sewer line located within the 20-foot wide alleyway. Staff requested, and the new owners have executed, the necessary documents dedicating to the city a 24-foot wide public ingress/egress easement, and a sewer line easement along the western boundary of the property for possible future service to the adjacent vacant parcel. The owners have also dedicated additional right-of-way along 43<sup>rd</sup> Avenue and Bethany Home Road.

**Recommendation:** Waive reading beyond the title and adopt an ordinance abandoning the alleyway at the northwest corner of 43<sup>rd</sup> avenue and Bethany Home Road.

### 20. [SALT RIVER PROJECT EASEMENTS: 1\) BETHANY HOME ROAD FROM 91<sup>ST</sup> TO 95<sup>TH</sup> AVENUES AND; 2\) THE NORTHEAST CORNER OF 79<sup>TH</sup> AND MISSOURI AVENUES](#)

**Purpose:** This is a request for City Council to adopt an ordinance granting the following easements in favor of Salt River Project (SRP) for: (1) an irrigation easement along the alignment of Bethany Home Road from 91<sup>st</sup> to 95<sup>th</sup> avenues; and (2) an Overhead and Underground Power Distribution Easement along a proposed city park site on the northeast corner of 79<sup>th</sup> and Missouri avenues.



**Background:** City Council authorized the construction of Bethany Home Road between Loop 101 and 91<sup>st</sup> Avenue for the necessary infrastructure for the new Glendale sports facilities. City staff has requested SRP to relocate its existing facilities in the area to accommodate this construction.

The city is constructing a public park at the northeast corner of 79<sup>th</sup> and Missouri avenues. City staff has requested SRP to underground the 12kv power lines and relocate the 69kv power lines in the area to accommodate the park construction.

These easements are necessary to protect SRP's facilities and existing land rights.

**Recommendation:** Waive reading beyond the title and adopt an ordinance authorizing the City Manager to execute the following easements in favor of Salt River Project: (1) an irrigation easement along the alignment of Bethany Home Road from 91<sup>st</sup> to 95<sup>th</sup> avenues; and (2) an Overhead and Underground Power Distribution Easement along a proposed city park site on the northeast corner of 79<sup>th</sup> and Missouri avenues.

## **REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION**

### **CITIZEN COMMENTS**

**If you wish to speak on a matter concerning Glendale city government that is not on the printed agenda, please fill out a Citizen Comments Card located in the back of the Council Chambers and give it to the City Clerk before the meeting starts. The City Council can only act on matters that are on the printed agenda, but may refer the matter to the City Manager for follow up. Once your name is called by the Mayor, proceed to the podium, state your name and address for the record and limit your comments to a period of five minutes or less.**

### **COUNCIL COMMENTS AND SUGGESTIONS**

### **ADJOURNMENT**

Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

- (i) discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- (ii) discussion or consideration of records exempt by law from public inspection (A.R.S. §38-431.03 (A)(2));
- (iii) discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
- (iv) discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (A)(4));
- (v) discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or
- (vi) discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).